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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,596	08/25/2006	Eric Thelen	DE030423	8321

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EXAMINER

CHANG, JON CARLTON

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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10/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,596	Applicant(s) THELEN, ERIC	
	Examiner JON CHANG	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The specification, at page 11, line 29, refers to “internal memory 19” in Fig.4. This reference number is not shown in Fig.4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase “Not Applicable” should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.

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- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. The disclosure is objected to because of the following informalities:

a) on page 10, line 25, "pointing device has 2 features an elongated form" should read, ""pointing device 2 features an elongated form" (the word "has" should be removed).

b) on page 10, line 30, a period should be inserted after "standards".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 17, 18 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 20 recites the limitation "the chose option" in the last line. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 17 is drawn to a pointing device. Claim 13, to which claim 17 refers, recites a pointing device. This is confusing. Is this the same pointing device, or an additional pointing device?
7. Claim 18 depends from claim 17 and is therefore indefinite.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 20060050052 to Mekenkamp et al. (hereinafter referred to as "Mekenkamp"). Mekenkamp qualifies as prior art under section 102(e) by the filing date of the international application upon which it is based because the international application was published in English and designated the United States.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

10. As to claim 19, Mekenkamp discloses a pointing device (Fig.1, element 101), extending along a longitudinal axis (Fig.3), containing a camera ([0048], first sentence) positioned in the pointing device such that the camera generates an image of a target area in front of the pointing device in the direction, along the longitudinal axis of the pointing device, in which the pointing device is aimed ([0048], second sentence).

11. Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 20050104849 to Hoile (hereinafter referred to as "Hoile").

As to claim 19, Hoile discloses a pointing device (Fig.1, element 103), extending along a longitudinal axis (Fig.1, element 3), containing a camera ([0047]) positioned in the pointing device such that the camera generates an image of a target area in front of the pointing device in the direction, along the longitudinal axis of the pointing device, in which the pointing device is aimed (Fig.1; [0048], [0056]).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mekenkamp.

14. As to claim 17, Mekenkamp discloses a pointing device (Fig.1, element 101) for a user interface ([0027]), containing a camera ([0048], first sentence) for generating an image of a target area in the direction in which the pointing device is aimed ([0048], second sentence). Mekenkamp does not disclose that the pointing device is “for the user interface according to claim 13.” However, this is merely a statement of intended use. As such, the limitations of claim 13 are not afforded patentable weight in the patentability determination of claim 17. It would have been obvious to utilize the pointing device of Mekenkamp for any particular use desired by the user.

15. As to claim 18, Mekenkamp discloses a pointing device according to claim 17, comprising a light source for illuminating the target area at which the pointing device is aimed ([0061], sixth sentence).

16. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoile.

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17. As to claim 17, Hoile discloses a pointing device (Fig.1, element 103) for a user interface ([0016]), containing a camera ([0047]) for generating an image of a target area in the direction in which the pointing device is aimed (Fig.1; [0048], [0056]). Hoile does not disclose that the pointing device is “for the user interface according to claim 13.” However, this is merely a statement of intended use. As such, the limitations of claim 13 are not afforded patentable weight in the patentability determination of claim 17. It would have been obvious to utilize the pointing device of Mekenkamp for any particular use desired by the user.

18. As to claim 18, Hoile discloses a pointing device according to claim 17, comprising a light source for illuminating the target area at which the pointing device is aimed (Fig.2a, LED 210).

Allowable Subject Matter

19. Claims 1-16 are allowed.

20. Claim 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

21. The prior art of record does not disclose the relationship between the template and the user options as specifically required by the independent claims.

Citation of Pertinent Prior Art

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22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application Publication 20060176274 to Cheng et al. discloses a photographic type pointer which attempts to make a displayed pointer coincide with a aimed point of a video camera, pointed at a display.

U.S. Patent Application Publication 20010045940 to Hansen discloses a computer presentation system and method of optical tracking of a wireless pointer in which a laser pointer projects a laser spot on a projected display, and an image of the laser spot on the display is captured, and analyzed, in order to position a computer mouse pointer at a screen position corresponding to position of the laser spot on the projected display.

U.S. Patent Application Publication 20010030668 to Erten et al. discloses a method of interacting with a display. A laser pointer is used to project a laser point on a display. An image is captured and analyzed to determined the position of the point on the display, and a computer's mouse cursor is positioned at the display position.

"Interaction with a Projection Screen Using a Camera-Tracked Laser Pointer" by Kirstein et al. teaches a system which allows interaction with a video projection screen using a laser pointer.

"LaserPen: a New Pointing Device for a Beam Projector" by Choi et al. teaches a system which detects a laser spot on a screen and use its coordinates to control a cursor on the screen so that the two coincide.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JON CHANG whose telephone number is (571)272-7417. The examiner can normally be reached on M-F 8:00 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571)272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner
Art Unit 2624

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